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SUBJECT: COAST POLICE SHOOTING HIGHLIGHTS TENSIONS

Classified By: Political Officer Nan Stewart, Reasons 1.4 b,d

11. (C) Summary: The bold daytime shooting of two senior Administration Police (AP) inspectors by two Kenya Police Service (KPS) officers in Mombasa has escalated tensions between the two police services and their commanders, and has also highlighted the extent to which drug trafficking and drug abuse have undermined the rule of law in Mombasa and elsewhere in Coast province. Even before the June 27 shooting incident, local community leaders had become increasingly vocal in calling for police to be more proactive in pursuing drug traffickers and dealers. According to community representatives, the KPS has not been responsive and, they allege, is complicit in supporting the drug trade and protecting drug traffickers. In a recent meeting with the Ambassador, the Commandant of the AP expressed frustration over the lack of an independent oversight authority to investigate the killing, and he was not optimistic that justice would be served in this case. The Ambassador continues to press the Minister of State for Provincial Administration and Internal Security, who oversees both police services, to implement urgently needed police reforms (see septel) including the establishment of effective external and internal police oversight mechanisms. End summary.

DEAD POLICE OFFICERS, TWO CONFLICTING EXPLANATIONS

12. (C) The issue of drug trafficking in Coast province has escalated to greater prominence following public concern and a heated dispute between the Administration Police (AP) and the Kenya Police Service (KPS) over the June 27 shooting deaths of two AP police inspectors by Kenya Police Service (KPS) officers on a busy Mombasa street. According to AP Commandant Kinuthia Mbugua, the two AP inspectors were taking a tea break at a kiosk owned by one of their wives when they were approached by KPS officers who began an argument with them. Eyewitnesses said that, after words were exchanged, the KPS officers opened fire on the AP officers, killing them both. Mbugua had seen the bodies in the morgue, he said, and noted that one officer had been shot 15 times in the chest, while the other was shot seven times in the chest. The KPS officers, publicly and privately backed by Police Commissioner Hussein Mohammed Ali, claim that they received reports that the AP officers were planning to rob a nearby Toyota dealership and had earlier robbed two people of 6,000 Kenya shillings (Ksh) (about \$80) and a cell phone. Therefore, the KPS claims, these officers were doing their job in preventing another robbery from occurring and, unfortunately, both suspects were killed during the attempt to arrest them.

VICTIMS' ROLE IN MARIJUANA SEIZURE

13. (C) Other sources, however, indicate that the two slain officers were killed to silence them following their roles in a recent drug bust that netted marijuana with a street value of approximately 8 million Ksh (\$105,000), and that the officers had complained of receiving death threats in the weeks before their deaths. Both victims had been present at the raid that brought in the marijuana, and one was considered to be the prosecution's star witness in the case against the suspects accused of smuggling the marijuana into Kenya.

POLICE RIVALRIES, ANIMOSITY

14. (C) Relations between the KPS and AP, long strained over competition for government resources and attention, have taken a frosty turn following public statements by KPS Commissioner Ali backing his officers' version of events and stating that there was no need for further investigation into the incident. Although the KPS has historically perceived the AP as their lesser counterpart in terms of skill and ability, it appears that the political tide seems to be turning in the AP's favor. Retired senior KPS officer Mary Owuor told Poloff that the KPS has seen its budgets dwindle steadily since 2002, first under former Minister of State for Provincial Administration and Internal Security John Michuki, and continuing under current Minister George Saitoti. Commissioner Ali's famously dictatorial and independent management style has not endeared him to either Minister, she added. The AP also has the advantage from the Minister's

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point of view of being an available resource to the Provincial Administration hierarchy on the ground. Michuki, himself a former Provincial Commissioner, understood this particularly well. The AP's increased resources have allowed it to hire thousands of new officers and to purchase much-needed equipment, while KPS officers "are now the ones with holes in their uniforms," Owuor said. The Waki Commission investigating post-election violence controversially recommended the merger of the AP and KPS into a single police force; the current Police Reform Task Force is discussing this and other reform proposals and is expected to issue its report by July 31. Not surprisingly, since the AP would likely come under control of the Police Commissioner if a merger took place, AP leadership is strongly opposed to the proposal.

15. (SBU) The AP, with its colonial-era roots as the Tribal Police, generally has a stronger presence at the grassroots level than the KPS, and often has better rapport with local community leaders, including chiefs, who are paid by the Provincial Administration to help keep the peace by mediating local disputes. In some areas, the KPS is perceived by communities as more heavy-handed in its dealings given its tendency to resort to use of excessive force, and suffers from the community's lack of trust and support. However, both services have been implicated in recent alleged human rights abuses and popular faith in the AP should not be overstated.

COMMUNITY, GOVERNMENT, AND MEDIA REACTION

16. (C) A number of civil society organizations in Coast province have been calling on the government and KPS to do more to combat drug trafficking and abuse. Mombasa-based Muslims for Human Rights (MUHURI) has asked the GOK to declare the threat posed by drugs a national disaster, while the anti-drug group Malindi against Drug Abuse claims police decline to participate in raids to arrest area drug dealers and has called for more action by the police. Anti-drug activists and local media report that children are increasingly being recruited to participate in trafficking, carrying drugs in schoolbags and toys. Media reporting on the police shooting itself was muted, although community leaders in Mombasa expressed dismay that the police have now taken to

shooting each other instead of fighting crime. Although Minister Saitoti has pledged that the GOK will undertake a full investigation into the incident, AP Commandant Mbugua privately expressed to the Ambassador that he doubted an impartial investigation was possible under the circumstances, and he reiterated his support for an independent police oversight mechanism.

COMMENT

17. (SBU) The Ministry of Internal Security isn't maintaining a low profile in the case, despite pledges by the Minister to carry out a full investigation. Previous shootings involving suspected violations of the police use of force policy have not been followed up. We concur with Mbugua's assessment that this case too is likely to languish despite the fact that both victims were police officers. Nonetheless, the Ambassador will continue to urge Saitoti to pursue this case through appropriate legal channels. We are also watching closely to see what actions, if any, the KPS and AP take to comply with the investigation. We note that while the AP has arrest authority it does not have independent investigative authority, so the burden will fall on the KPS to initiate an investigation of the police shootings. If applicable, failure to cooperate in good faith should be factored into our plans for continued training and equipment for both agencies. Finally, this case highlights in stark terms the urgent need for fundamental police reform, most notably establishment of internal and external oversight mechanisms and a modernized use of force policy. We do not support the proposed AP-KPS merger due to concerns that a combined organization would be potentially more corrupt, incompetent, and powerful than either organization is separately. If the two forces remain separate institutions, then the GOK will also need to consider granting an investigative mandate to the AP to make it more effective. In the short term, the case has highlighted a weakening of the rule of law in Coast province, perhaps linked to the illegal drug trade.

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